

REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required restriction of the invention under 35 U.S.C. 121 to one of the following groups:

Group I: Claims 1-26, drawn to methods of inhibiting the expression or activity of Akt1, Akt2, CISK or Myo1c in a cell or an adipocyte comprising introducing an siRNA into a cell or an adipocyte, classified in class 514, subclass 44.

Group II: Claim 27, drawn to a method of identifying a gene that affects glucose transport comprising introducing into an adipocyte an siRNA targeted against a gene and assaying the reduction of glucose transport in the cell, classifiable in class 424, subclass 9.2.

Group III: Claims 28 and 30-31, drawn to a method of identifying an insulin response modulator comprising contacting a cell expressing a protein identified by the method of Invention II with a test compound and determining the ability of the test compound to modulate an activity of the protein identified by the method of Invention II, classifiable in class 424, subclass 9.2.

Group IV: Claims 29-31, drawn to a method of identifying an insulin response modulator comprising contacting a cell expressing a protein identified by the method of Invention II with a test compound and determining the ability of the test compound to modulate expression of the protein identified by the method of Invention II, classifiable in class 424, subclass 9.2.

Group V: Claims 32 and 33, drawn to an insulin response modulator and a pharmaceutical composition thereof as identified by the method of Invention III, that modulates an activity of the protein identified by the method of Invention II, classifiable in class 514, subclass 1.

Group VI: Claims 32 and 33, drawn to an insulin response modulator and a pharmaceutical composition thereof as identified by the method of Invention IV, that modulates

expression of the protein identified by the method of Invention II, classifiable in class 514, subclass 1.

Group VII: Claims 34-37, drawn to a method of treatment comprising administering an insulin response modulator of Invention V as identified by the method of Invention III, that modulates an activity of the protein identified by the method of Invention II, classifiable in class 514, subclass 2.

Group VIII: Claims 34-37, drawn to a method of treatment comprising administering an insulin response modulator of Invention VI as identified by the method of Invention IV, that modulates expression of the protein identified by the method of Invention II, classifiable in class 514, subclass 44.

If Applicants elect Group I, the Examiner requires a further restriction among the instantly claimed target genes Atk1, Atk2, CISK and Myo1c (as listed in claims 7-9) and among the instantly claimed siRNA sequences that target SEQ ID NO: 5, 6, 7, 8, 13 or 14 (as listed in claims 10, 12, 13, 15, 16 and 18).

If Applicants elect Group III or Group IV, which the Examiner states contain generic claims 28 and 29, respectively, the Examiner further requires a species election under 35 U.S. C. 121 between (i) claim 30 drawn to positive modulators identified by the method of claim 28 or 29, and (ii) claim 31 drawn to negative modulators identified by the method of claim 28 or 29.

Finally, if Applicants elect a Group containing claim 36, the Examiner further requires a species election under 35 U.S.C. 121 for the disease or disorder between the species of (i) Type II diabetes; (ii) insulin resistance; and (iii) obesity.

Applicants hereby elect the Group II invention (claim 27, drawn to a method of identifying a gene that affects glucose transport comprising introducing into an adipocyte an siRNA targeted against a gene and assaying the reduction of glucose transport in the cell) under 35 U.S.C. §121 for prosecution in the present application, without traverse. Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. UMY-055, from which the undersigned is authorized to draw.

Dated: **August 1, 2005**

Respectfully submitted,

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